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Attorneys for Defendants
SCHNEIDER NATIONAL BULK CARRIERS, INC.
and WILLIAM JAMES MAGRO
(incorrectly referred to as
WILLIAM JAMES MARCO)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSE LUIS MARTINEZ MOZO, JESSICA
MONSERRAT MATA ROMERO, SALLY
LAKSHMI MARTINEZ MATA, a minor by and
through her guardian Ad Litem, JESSICA
MONSERRAT MATA ROMERO,

Plaintiffs,

vs.

WILLIAM JAMES MARCO, SCHNEIDER
NATIONAL BULK CARRIERS, INC. and DOES
1 to 30, inclusive.

Defendants.

Case No.: _____

**DEFENDANTS SCHNEIDER NATIONAL
BULK CARRIER, INC. AND WILLIAM
JAMES MAGRO'S NOTICE OF REMOVAL
TO U.S. DISTRICT COURT CENTRAL
DISTRICT OF CALIFORNIA [28 USC § 1441
– DIVERSITY JURISDICTION]**

Removed from: Superior Court of California San
Bernardino County, Case No. CIVSB2124800

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**TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CALIFORNIA,
CENTRAL DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE that defendants, SCHNEIDER NATIONAL BULK CARRIERS, INC., and WILLIAM JAMES MAGRO (incorrectly referred to as WILLIAM JAMES MARCO), by and through their undersigned counsel, hereby remove this action to United States District Court for the Central District of California from the Superior Court of San Bernardino County (the “State Court”), pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441(b), 1441(c), and 1446. The grounds for removal are as follows:

1. This case is a civil action of which this Court has original jurisdiction under 28 U.S.C.A. § 1332, and is one which may be removed to this Court by defendants pursuant to the provisions of 28 U.S.C.A. § 1441(a)-(b) in that defendants are informed and believe that the amount in controversy exceeds the sum \$75,000, exclusive of interest and costs, in that the aforementioned complaint does not alleges a specific amount of personal injury damages, pursuant to California statutory requirements.

JURISDICTIONAL ALLEGATIONS

2. Defendant SCHNEIDER NATIONAL BULK CARRIERS, INC. is a corporation incorporated in Delaware, with its headquarters and principal place of business at 3101 S. Packerland Drive, Green Bay, Wisconsin 54313. Defendant SCHNEIDER NATIONAL BULK CARRIERS, INC. does not have a designated principal place of business within California at this time, or at the time of the incident that is the subject of the underlying litigation matter. Defendant SCHNEIDER NATIONAL BULK CARRIERS, INC. is not a citizen of California for purposes of diversity jurisdiction.

3. Defendant WILLIAM JAMES MAGRO is an individual who resides and is domiciled in Tacoma, Washington, at this time and at the time of the incident that is the subject of the underlying litigation matter. Defendant WILLIAM JAMES MAGRO is not a citizen of California for purposes of diversity jurisdiction.

4. Plaintiff JOSE LUIS MARTINEZ MOZO is an individual who resides in San Jose, California, at the same address as the other plaintiffs to this lawsuit. Plaintiff JOSE LUIS MARTINEZ MOZO has a California driver’s license, and California phone number. Based on information and belief, JOSE LUIS MARTINEZ MOZO is domiciled in California and is not a citizen of Delaware, Wisconsin,

1 or Washington for purposes of diversity jurisdiction, at this time, or at the time of the incident that is the
2 subject of the underlying litigation matter.

3 5. Plaintiff JESSICA MONSERRAT MATA ROMERO is an individual residing in San
4 Jose, California, at the same address as the other plaintiffs in this lawsuit. Plaintiff JESSICA
5 MONSERRAT MATA ROMERO has a California phone number. Based on information and belief,
6 JESSICA MONSERRAT MATA ROMERO is domiciled in California and is not a citizen of Delaware,
7 Wisconsin, or Washington for purposes of diversity jurisdiction, at this time, or at the time of the
8 incident that is the subject of the underlying litigation matter.

9 6. Plaintiff SALLY LAKSHMI MARTINEZ MATA is the minor child of JESSICA
10 MONSERRAT MATA ROMERO, born April 29, 2013. Plaintiff SALLY LAKSHMI MARTINEZ
11 MATA resides in San Jose, California at the same address the other plaintiffs. Based on information and
12 belief, SALLY LAKSHMI MARTINEZ MATA is domiciled in California and is not a citizen of
13 Delaware, Wisconsin, or Washington for purposes of diversity jurisdiction, at this time, or at the time of
14 the incident that is the subject of the underlying litigation matter.

15 **PROCEDURAL ALLEGATIONS**

16 7. *Timeliness:* This action entitled *Mozo, et al. v. William James Marco, et al.*, was filed in
17 the State Court on December 15, 2021, San Bernardino County Case No. CIVSB2124800. Plaintiffs
18 served a copy of the following documents on defendant WILLIAM JAMES MAGRO and defendant
19 SCHNEIDER NATIONAL BULK CARRIERS, INC., by personal service, on March 7, 2022:
20 Summons, Complaint, Civil Case Cover Sheet, Application and Order for Appointment Guardian Ad
21 Litem, Certificate of Assignment, and Notice of Trial Setting Conference and Notice of Case
22 Assignment. This was the first notice of the complaint by either defendant. The action is, therefore,
23 being removed within the 30-day requirement provided by 28 U.S.C. § 1446(b)(1).

24 8. *Venue:* As required by the venue provision of 28 U.S.C. § 1446(a), this Court is the
25 district court and division within which the state action is pending.

26 9. *Joinder:* All defendants named and served in the state action have joined in this notice of
27 removal.

28 10. *Other:* Consistent with 28 U.S.C. § 1441(b), no party in interest properly joined and

1 served as a defendant, is a citizen of California, the state in which the action was brought. Defendants
2 are unaware of any other defendants who have been named in the complaint or who have been served
3 with a summons and complaint, other than those identified above.

4 11. *Other:* The complaint is the pleading setting forth the claims upon which this action is
5 based. As contemplated by 28 U.S.C. § 1446(a), defendants WILLIAM JAMES MAGRO and
6 SCHNEIDER NATIONAL BULK CARRIERS, INC. will file a copy of Plaintiffs' Summons,
7 Complaint, Civil Case Cover Sheet, Application and Order for Appointment Guardian Ad Litem,
8 Certificate of Assignment, and Notice of Trial Setting Conference and Notice of Case Assignment. True
9 copies of these documents are submitted herewith, collectively marked as Exhibit A, and they are
10 incorporated by reference in this notice.

11 12. Pursuant to 28 U.S.C. § 1446(d), written notice of the Notice of Removal will be
12 promptly served upon Plaintiff's counsel.

13 13. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice of Removal will promptly be filed
14 with the clerk of the State Court.

15 WHEREFORE, defendants SCHNEIDER NATIONAL BULK CARRIERS, INC., and
16 WILLIAM JAMES MAGRO hereby remove this action to this Court from the Superior Court for the
17 State of California, County of San Bernardino.

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20 Dated: April 5, 2022

GORDON-CREED, KELLEY,
HOLL, ANGEL & SUGERMAN, LLP

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22 By: /s/ Cassandra M. Angel
23 Cassandra M. Angel
24 Attorneys for Defendants
25 SCHNEIDER NATIONAL BULK CARRIERS,
26 INC., and WILLIAM JAMES MAGRO
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